

Before the Board of Zoning Adjustment, D. C.
PUBLIC HEARING -- January 12, 1966

Appeal No. 8549 BNA Washington, Inc., Appellant.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on January 18, 1966.

EFFECTIVE DATE OF THIS ORDER -- March 15, 1966.

ORDERED:

That the appeal for a variance from the height limits of the C-M-2 District to permit erection of a building in excess of the 60-foot limitation and for permission to erect an arcade in the C-M-2 District for an office building at 1233-47 and 1255 - 25th Street, NW., lots 16, 813 and 101, square 24, be granted, subject to the conditions set forth hereinafter.

As a result of an inspection of the property by the Board, and from the records and evidence adduced at the hearing, the Board finds the following facts:

(1) In Appeal Nos. 7362 and 7363 involving the subject property and adjacent land, this Board in July, 1963 denied requests for a variance from the height provisions.

(2) This request differs from the prior case in that the applicant has since reduced the size of the building and occupies approximately one-half of the area of the original site. Further, the applicant has reduced the extent to which a variance is required in the present appeal.

(3) Approximately 3 feet of additional height above the 60 foot limitation is required by the applicant for his proposed building and the reasons for this additional height was explained by the applicant's architect.

(4) The subject site suffers hardship by reason of topographic and rock conditions which exist upon the site. This Board has previously found to this effect in Appeal No. 8412. In addition, there is existing a water condition composing a future problem of setting the building in the ground.

(5) The topographical hardship involved in this appeal relates to the difference in grade of 9 feet between 25th Street and the public alley to the rear. It, therefore, would be a substantial hardship upon the owner to be deprived of the additional height so as to build a building which could be built as a matter of right on a level lot.

(6) The duct work on the proposed building requires additional height as testified to by the applicant's architect.

(7) The Board in prior appeals has granted variances from height requirements for new buildings as for example in the Board's Order in Appeal No. 2276.

(8) The Zoning Regulations do not provide for arcades in C-M Districts. However, the Zoning Commission has recognized the desirability of having arcades in office buildings. The subject site is located in a C-M-2 District and the proposed building will house a well-established business office.

(9) The proposed building on the subject site has been approved by the Fine Arts Commission.

(10) No objection to the granting of the appeal was registered at the public hearing by adjoining property owners.

OPINION:

We are of the opinion that the appellant has proven a hardship within the meaning of the variance clause of the Regulations, Section 8207.11, due to the exceptional topographical condition and the extraordinary and exceptional rock and water conditions upon the subject property. The strict application of the height limitation of 60 feet and the absence of provisions for arcades in the C-M-2 Districts would result in peculiar and exceptional and undue hardship upon the owner of such property. We believe that a variance from such strict application will relieve such difficulties or hardship. We are also of the opinion that this relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

This Order shall be subject to the following conditions:

- (a) Applicant shall erect building to a height not to exceed 63' 4" above the 5' terrace as shown on the elevation as designated as Exhibit No. 1.
- (b) The arcade areas shown on the site plan and designated Exhibit No. 1 and containing 1,864.10 square feet are hereby approved as arcade areas.